



Brady D. Hotard, P.E.  
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225-287-8628

May 24, 2021

Kathleen Allen  
LA Board of Ethics  
617 N. 3<sup>rd</sup> Street  
Baton Rouge, LA 70802  
[Kathleen.Allen@LA.gov](mailto:Kathleen.Allen@LA.gov)

Re: Request for Advisory Opinion  
For: Brady Hotard  
West Baton Rouge Planning and Zoning  
Port Allen, LA 70767

Dear Ms. Allen,

As a member of the West Baton Rouge Planning and Zoning Commission, the following scenario arose, and I believe it justifies an advisory opinion from the Board of Ethics:

A Solar Panel Company, EcoPlexus, and land owners, Milliken and Farwell Inc are proposing to construct a Solar Panel farm on 1,042 acres of a total 4,073 acres that is owned by Milliken and Farwell, inc. The rezoning request came from "Beuche PV1 LLC" to which EcoPlexus is an officer/member.

*An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 1043 Establishment of Districts, Official Zoning Map. For Rezoning Request Of Bueche PV1 LLC. Parcel #053200000400 Located At N. River Road Bueche, La 70729. File #202105 Approximately 1,042 Acres Of The 4,073 M/L Acre Parcel. Described By The WBR Assessors Office As: 4073 Ac M/L (Smithfield) E. By River, N. By Kean Heirs, W. By Rosehill Plantation & S. By Ashland Plantation. Requesting Rezoning From AG (Agricultural) To AG with a Special Use for a Solar Farm.*

Currently, Westbank Planting Company, LLP leases all 4,073 acres from Milliken and Farwell to farm sugar cane and soybeans. Westbank Planting Company is owned by my father-in law, Alan Gustin.

My father-in-law has no ownership in Milliken and Farwell, Ecoplexus, or Beuche PV1 LLC, and no future ownership/involvement in the proposed solar panel development. He is also not involved with West Baton Rouge Parish as it pertains to the above listed request.

I am seeking an Advisory opinion from the Board on any potential ethics issues relating to this situation, as well as the appropriate way to handle them. Please let me know if you have any additional questions or concerns. I appreciate the Board taking the time to review this issue and render an opinion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brady D. Hotard', with a stylized, cursive script.

Brady D. Hotard, P.E.

**AGENDA  
WEST BATON ROUGE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

880 North Alexander Avenue, Port Allen

5/18/2021

5:30 PM

**ZONING**

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**1. CALL TO ORDER**

**2. SILENCE ALL CELL PHONES AND ELECTRONIC DEVICES**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

**5. APPROVE MINUTES OF PREVIOUS MEETING**

- A. Approve the minutes of May 4, 2021

**6. CORRESPONDENCE:**

**7. PUBLIC HEARING:**

- A. An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map. For Rezoning Request Of Bueche PV1 LLC. Located At 8053 Rosehill Drive Bueche, La 70729. File #2021-03 Approximately 334 Acres M/L Of The 1197 Acre parcel M/L Described By The WBR Assessors Office As: 1197 Acres M/L In Secs 9, 10, 15, 42, 43, 44, 68, 69, 70, 71 & 72 T6S, R11E of Rosehill Plantation. Requesting Rezoning From AG (Agricultural) To AG with a Special Use for a Solar Farm.
- B. An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map, For Rezoning Request Of Bueche PV1 LLC. Located At 4827 Ashland Road. Port Allen, La 70767. File #2021-04 Approximately 210 Acres Of The 390.61 M/L Acre Parcel. Described By The WBR Assessors Office As: : Tract A Cont. 390.61 Ac M/L In Sec 55, 56, 57, & 82 T6S, R11E & Secs 16 & 17 T6S, R12E & 1.33 Ac (Private Servitude) M/L Secs 81 & 82 T6S R11E. Requesting Rezoning From AG (Agricultural) To AG with a Special Use for a Solar Farm.
- C. An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map. For Rezoning Request Of Bueche PV1 LLC. Parcel #053200000400 Located At N. River Road Bueche, La 70729. File #2021-05 Approximately 1,042 Acres Of The 4,073 M/L Acre Parcel. Described By The WBR Assessors Office As: 4073 Ac M/L (Smithfield) E. By River, N. By Kean Heirs, W. By Rosehill Plantation & S. By Ashland Plantation. Requesting Rezoning From AG (Agricultural) To AG with a Special Use for a Solar Farm.

**8. ADJOURN**

**PLANNING**

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**9. APPROVE MINUTES OF PREVIOUS MEETING**

- A. Approve the minutes of May 4, 2021

**10. CORRESPONDENCE**

**11. PUBLIC HEARINGS:**

**12. OTHER BUSINESS:**

**13. ADJOURN**

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## **DRAFT ORDINANCE**

As Introduced by the West Baton Rouge Parish Council  
At the Regular Meeting of April 13, 2021

An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map.

**NOW THEREFORE BE IT ORDAINED** by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

**Sec.104-3.** Establishment Of Districts, Official Zoning Map For Rezoning Request Of Bueche PV1 LLC. Parcel #053200000400 Located At N. River Road Bueche, La 70729. File #2021-05 Approximately 1,042 Acres Of The 4,073 M/L Acre Parcel. Described By The WBR Assessors Office As: 4073 Ac M/L (Smithfield) E By River, N By Kean Heirs, W By Rosehill Plantation & S By Ashland Plantation. Requesting Rezoning From AG (Agricultural) To AG with a Special Use for a Solar Farm.

Ecoplexus Legal Description: Parcel 053200000400 - Milliken and Farwell, LLC  
TRACT 1

A TRACT OF LAND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS THEREON, RIGHTS, WAYS AND SERVITUDES THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, WITH THE BATTURE AND RIGHTS OF ACCRETION, KNOWN AS SMITHFIELD PLANTATION, CONTAINING ONETHOUSAND AND ONE HUNDRED NINETEEN (1119) ACRES MORE OR LESS, THE SAID PLANTATION BEING BOUNDED BY THE CLARKLAND PLANTATION ABOVE DESCRIBED, BELOW BY LANDS NOW OR LATELY OF THE SUCCESSION OF MARYL. TABOT DECEASED WIFE OF JAMES DUVALL AND IN THE REAR BY LANDS OF SUCCESSION OF LAURENT VILLAUDON, TOGETHER WITH ALL THE BUILDINGS, AND IMPROVEMENTS, SUGAR HOUSE, ENGINES, BOILERS, IMPLEMENTS, AND EQUIPMENT ON SAID PLANTATION. THERE IS RESERVED FROM THE FOREGOING PROPERTY AND NOT INCLUDED IN BUT ESPECIALLY EXCLUDED THEREFROM THE FOLLOWING DESCRIBED PROPERTY BEING PART OF THE SALE SMITHFIELD PLANTATION, TO-WIT: A CERTAIN TRACT OF LAND CONTAINING 29.33 ACRES MORE OR LESS WITH ALL THE BUILDINGS AND IMPROVEMENTS THEREON, RAILROAD SPURS, TANKS, SUGAR HOUSE AND APPURTENANCES BEING AT A POINT "A" ON THE WESTERN LINE OF THE RIGHT OF WAY OF THE TEXAS & PACIFIC RAILWAY THENCE EAST 2190 FEET TO POINT "B" THENCE SOUTHEAST 627 FEET TO THE POINT "C" THENCE WEST 858 FEET TO POINT "D"; THENCE NORTHWEST 18 FEET TO POINT "E"; THENCE WEST 1219 FEET TO POINT "F"; THENCE NORTHWEST 648 FEET ALONG THE RIGHT OF WAY OF THE TEXAS & PACIFIC RAILWAY TO THE POINT OF BEGINNING "A". ALL OF WHICH WILL APPEAR MORE FULLY FROM THE BLUE PRINT MAP OR PLAN OF SAID PROPERTY CONTAINED WITHIN THE RED LINES OF S.N. GARRETT, PARISH SURVEYOR OF POINTE COUPEE PARISH DATED NOVEMBER 13, 1926. IN ADDITION THERETO, THE SAID PROPERTY IS SUBJECT TO PERPETUAL SERVITUDES OF USE AND RIGHT OF WAY THROUGH AND OVER THE SWITCH TRACK LEADING FROM THE SUGAR HOUSE TO THE TEXAS AND PACIFIC RAILWAY, WITH LOADING PLATFORM AND AREA SURROUNDING SAME; THE MAIN PLANTATION ROAD 45 FEET WIDE FROM THE PUBLIC HIGHWAY TO THE SUGAR HOUSE; THE REAR OF THE PLANTATION; ROADWAY 20 FEET WIDE RUNNING NORTH AND SOUTH THROUGH THE SUGAR HOUSE SITE, TOGETHER WITH BRANCH ROAD RUNNING EAST FROM SAID ROAD JUST BELOW THE CLARKLAND TRACT OF THE MANAGERS RESIDENCE ON THE PACIFIC HIGHWAY; RIGHT OF WAY FOR OIL PIPE LINE EXTENDING FROM THE SUGAR HOUSE JUST BELOW THE QUARTER'S SECTION ALONG THE MAIN PLANTATION ROAD TO THE PUBLIC HIGHWAY TO THE EASTERN END OF LOT 11, THENCE SOUTH TO THE OIL TANK, TOGETHER WITH AREA 80 FEET SQUARE SURROUNDING SAID OIL TANK, THENCE EAST THROUGH THE BATTURE PROPERTY TO THE RIVER; RIGHT OF DRAINAGE THROUGH ALL PLANTATION DITCHES AND CANALS THAT MAY BE NECESSARY TO DRAIN THE PROPERTY RESERVED; ALL OF WHICH WILL APPEAR MORE FULLY FROM THE BLUE PRINT PLAN OR MAP OR GARRETT HEREINABOVE REFERRED TO; TOGETHER WITH ALL THE DWELLINGS, QUARTERS,

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BARNs, BUILDINGS, STRUCTURES, FIXTURES AND IMPROVEMENTS OF WHATEVER NATURE, PRESENTLY ON ANY AND ALL OF THE ABOVE DESCRIBED PROPERTY.

**TRACT 2**

SMITHFIELD II-A TRACT ONE CERTAIN LOT OR PARCEL OF GROUND SITUATED IN THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA IN SECTION 47, T6S-R11E & SECTION 7 T6S-R12E, SOUTHEASTERN LAND DISTRICT WEST OF THE MISSISSIPPI RIVER TOGETHER WITH ALL BUILDINGS, IMPROVEMENTS AND OTHER CONSTRUCTION LOCATED THEREON AND ALL RIGHTS, WAY, SERVITUDES, PRIVILEGES, APPURTENANCES AND ADVANTAGES THEREUNTO BELONGING OR IN ANYWAY APPERTAINING THERETO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON ROD SET IN CONCRETE BEING THE SOUTHEAST CORNER OF SECTION 7, T6S-R12E; PROCEED N79° 00'16"W A DISTANCE OF 326.26 FEET TO A POINT AND TURN; THENCE N81 ° 31'24"W A DISTANCE OF 1140.39 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING PROCEED N 81° 31'24"W A DISTANCE OF 1082.02 FEET TO A POINT AND TURN; THENCE N so· 23'21"W A DISTANCE OF 807.92 FEET TO A POINT AND TURN; THENCE N 80 °50'35"W A DISTANCE OF 2427.19 FEET TO A POINT AND TURN; THENCE N 81 ° 27'15"W A DISTANCE OF 821.05 FEET TO A POINT AND TURN; THENCE N 81 °06'26"W A DISTANCE OF 1074.93 FEET TO A POINT AND TURN; THENCE N49 ° 59'53"E A DISTANCE OF 118.66 FEET TO A POINT AND TURN; THENCE N 41 ° 51'32"E A DISTANCE OF 1056.51 FEET TO A POINT AND TURN; THENCE S so· 32'50"E A DISTANCE OF 556.08 FEET TO A POINT AND TURN; THENCE S 72° 21'17"E A DISTANCE OF 13.67 FEET TO A POINT AND TURN; THENCE s 81 ° 25'19"E A DISTANCE OF 796.35 FEET TO A POINT AND TURN; THENCE s 80° 01'38" EA DIST ANGE OF 22.05 FEET TO A POINT AND TURN; THENCE S 81 ° 14'36"E A DISTANCE OF 724.05 FEET TO A POINT AND TURN; THENCE S79 ° 54'08"E A DISTANCE OF 17.39 FEET TO A POINT AND TURN; THENCE S 81 ° 09'54"E A DISTANCE OF 1048.23 FEET TO A POINT AND TURN; THENCE NOB 058'17"E A DISTANCE OF 155.41 FEET TO A POINT AND TURN; THENCE SSO· 37'33"E A DISTANCE OF 705.09 FEET TO A POINT AND TURN; THENCE N 70° 53'53"E A DISTANCE OF 25.10 FEET TO A POINT AND TURN; THENCE S 80 ° 11'43"E A DISTANCE OF 972.72 FEET TO A POINT AND TURN; THENCE S 85 °57'22"E A DISTANCE OF 312.66 FEET TO A POINT AND TURN; THENCE S 8118'53"E A DISTANCE OF 390.07 FEET TO A POINT AND TURN; THENCE S 75 ° 09'37"E A DISTANCE OF 16.74 FEET TO A POINT AND TURN; THENCES 81"30'34"E A DISTANCE OF 1302.93 FEET TO A POINT AND TURN; THENCE S 04 ° 23'59"E A DISTANCE OF 389.83 FEET TO A POINT AND TURN; THENCE N 81° 01'07"W A DISTANCE OF 643.18 FEET TO A POINT AND TURN; THENCE S 10° 18'47"W A DISTANCE OF 362 FEET TO A POINT AND TURN; THENCE NB 1° 02'27" WA DISTANCE OF 762.29 FEET TO A POINT AND TURN; THENCE S 11° 23'35"W A DISTANCE OF 184.24 FEET TO A POINT AND TURN; THENCE S 10° 14'33"W A DISTANCE OF 241.65 FEET BACK TO THE POINT OF BEGINNING, CONTAINING WITHIN SAID BOUNDS 158.86 ACRES MORE OR LESS.

**BE IT FURTHER ORDAINED** by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

**THEREFORE BE IT FURTHER RESOLVED** by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

**NOW THEREFORE BE IT FURTHER RESOLVED** by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

**THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER \_\_\_\_\_, WHICH WAS SECONDED BY COUNCIL MEMBER \_\_\_\_\_, THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:**

**YEAS:**

**NAYS:**

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**ABSENT:**

**ABSTAIN:**

**WHEREUPON** the ordinance was declared adopted on the 27<sup>th</sup> Day of May, 2021.

**ATTEST:**

\_\_\_\_\_  
Michelle Tullier, Council Clerk

**CERTIFICATE**

I, Michelle Tullier, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 27<sup>th</sup> Day of May, 2021.

I further certify that the above and foregoing ordinance was submitted to the Parish President at \_\_\_\_\_ o'clock \_\_\_\_\_ on the \_\_\_\_\_ day of May, 2021.

**IN FAITH WHEREOF** witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the \_\_\_\_\_ day of May, 2021.

\_\_\_\_\_  
Michelle Tullier, Council Clerk

**PARISH PRESIDENT'S APPROVAL OR VETO**

I, Riley Berthelot, Jr., Parish President, West Baton Rouge Parish, State of Louisiana, do hereby  
☐ approve ☐ veto the foregoing ordinance on the \_\_\_\_\_ day of May, 2021.

\_\_\_\_\_  
Riley Berthelot, Jr., Parish President

**COUNCIL CLERK'S RETURN RECEIPT**

I certify that the above and foregoing ordinance was returned from the Parish President at \_\_\_\_\_ o'clock \_\_\_\_\_ on the \_\_\_\_\_ day of May, 2021.

\_\_\_\_\_  
Michelle Tullier, Council Clerk

## Kathleen Allen

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**From:** Bhotar3 <bhotar3@gmail.com>  
**Sent:** Monday, May 24, 2021 8:49 PM  
**To:** Kathleen Allen  
**Subject:** Brady Hotard - Request for Advisory Opinion - June 4 Agenda  
**Attachments:** Brady Hotard - Board of Ethics Opinion.pdf; Agenda.pdf; Rezoning Request.pdf

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**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

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Kathleen,

Please see attached my formal request for an advisory opinion, based upon our phone conversation on Wednesday May 19th 2021. I appreciate your assistance with this request, and look forward to being included on the June 4th Agenda.

I have attached both my letter, as well as the WBR Planning and Zoning Agenda that includes the item in question. Please keep in mind that while past-dated, these items were deferred to a future meeting, so no decision has been made by the Commission.

Please let me know if you have any questions or if I need to provide any additional information.

Thank you,

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**Brady D. Hotard, P.E.**  
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